

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANE DOE,	:	
	:	
Plaintiff,	:	Case No.
	:	
v.	:	Judge
	:	
JAVAUNE ADAMS GASTON,	:	Magistrate Judge
In her official capacity,	:	
	:	
Defendant.	:	

COMPLAINT

Plaintiff, Jane Doe, brings this action for violation of her rights pursuant to 42 U.S.C. Section 1983, as follows:

1. Plaintiff Doe (“Doe”) is a current student at The Ohio State University. The disclosure of Doe’s identity will cause her irreparable harm as this case involves matters of the utmost personal intimacy including highly sensitive education records protected from disclosure by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g.

2. Defendant Adams Gaston is Senior Vice President for Student Life at The Ohio State University (“OSU”). She is sued in her official capacity. Official capacity suits are equivalent to suit against the state entity, in this case, OSU.

3. In 2017, Doe made an allegation of misconduct against a male student at OSU. OSU investigated and adjudicated the claim against the male student pursuant to its Code of Student Conduct (the “Code”) and found the male student responsible for violation of the Code.

4. Defendant Adams Gaston imposed discipline on the male student as a result of finding him responsible for misconduct. Doe asserts that the nature of the discipline imposed on

the male student resulted in discrimination on the basis of gender causing her emotional distress, anxiety and other harm.

COUNT I: 42 U.S.C. § 1983

Violation of Equal Protection Provisions of Fourteenth Amendment to the United States Constitution

5. Doe incorporates the allegations contained in paragraphs 1 through 4, above, as if fully set forth herein.

6. Defendant Adams Gaston, at all times relevant hereto, was acting under the color of state law in imposing discipline on the male student.

7. The Fourteenth Amendment to the United States Constitution prohibits discrimination based upon gender in the official actions of the state.

8. The nature of the discipline imposed on the male student by Adams Gaston after he was found responsible for violating the Code resulted in Doe being deprived of the equal protection of the law as guaranteed by the Constitution of the United States and resulted in discrimination on the basis of gender.

9. As a direct and proximate result, Doe suffered damages and harm, including emotional distress, anxiety and other impacts to her education at OSU.

WHEREFORE, Doe requests this Honorable Court to award judgment in her favor and award compensatory damages, costs and attorneys' fees pursuant to 42 U.S.C. § 1988.

Respectfully submitted,

/s/ Konrad Kircher

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